

REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, the claims have been amended for clarity.

The Examiner has rejected claims 1-15 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,177,931 to Alexander et al. in view of U.S. Patent 7,146,627 to Ismail et al.

The Alexander et al. patent discloses systems and methods for displaying and recording control interface with television programs, video, advertising information and program scheduling information, in which personalized commercials are provided to a viewer.

The Ismail et al. patent discloses a method and apparatus for delivery of targeted video programming, which determines viewer preference based on viewer choosing each program with the highest score.

The Examiner has indicated that Alexander et al. teaches the claim limitation "providing, for each of a plurality of commercials, respective correlation factors indicating respective degrees of effectiveness in relation to each of the plurality of programs", and states "Alexander discloses (col.32, lines 24-34) that the EPG uses viewer's profile information, where viewer selected his favorite programs, to customized advertisements related to his/her favorite programs."

Applicants submit that the Examiner is mistaken. In particular, a goal of Alexander et al. is to provide commercials

which are believed to be advantageous for the user. To that extent, Alexander et al. states, at col. 32, lines 24-34:

"The EPG and the Profile Program use Viewer Profile information to tailor the presentation and scheduling of advertisements to the viewer and to customize the presentation of the EPG for the user. For instance, the EPG uses Viewer Profile information to determine whether to notify the viewer about scheduling for a program involving the viewer's favorite team, a talk show involving a star player from that team, etc. The EPG is capable of such customized notification/advertisement through e.g., an advertisement in the Ad Window, or through an advertisement in a Virtual Ad Channel Slot."

Since these generated "advertisements" concern scheduling of programs relating to a viewer's preferences, it is presumed that the "advertisements" have a certain degree of effectiveness. However, there is no disclosure or suggestion in Alexander et al. of "providing, for each of a plurality of commercials, respective correlation factors indicating respective degrees of effectiveness in relation to each of the plurality of programs". On the other hand, as described in the specification on page 4, lines 18-25, a commercial classifier 170 provides information which "is available from advertisers, and reflects the degree of success of running the commercial in the particular program, e.g., based on resulting sales or sales inquiries, surveys, or other metrics. This information involves the effectiveness of the commercial in the particular program for all users." Such information is neither disclosed nor suggested by Alexander et al.

The Examiner has also indicated that Alexander et al. teaches the claim limitation "providing, for each of the plurality

of commercials, a metric indicating a degree of effectiveness in relation to the at least one user based on the scores and the respective correlation factors", and states that "Alexander discloses (col.32, lines 35-39) that the EPG and the profile program use Viewer profile information to personalize the scheduling of telecast advertisements that are related to the television program that the viewer is watching. Alexander further discloses (col.33, lines 3-40) that when viewer is watching "Nova" (an educational science program), EPG displays an advertisement for educational computer. Alexander further discloses (col.34, lines 4-8) that the EPG displays different depending upon which program the viewer is currently watching."

Again, Applicants submit that Alexander et al. is merely stating a goal. In particular, the noted sections of Alexander et al. state:

"Additionally, the EPG and the Profile Program use Viewer Profile information to customize the presentation and/or scheduling of telecast advertisements that are viewable during the real time telecast of the television program that the viewer is watching.";

"For example, consider two viewers who are both watching television at 8:00 p.m. on a Tuesday night. When the one viewer who has been watching "Nova" enters the EPG, the EPG might display an advertisement for educational computer;"

and

"Using this method, the EPG displays different advertisements depending upon, e.g., which show the viewer has currently highlighted in the Grid Guide, what sport is highlighted in a sports data service, or what type of news is highlighted in a news service (international, local, etc.)."

What is missing from Alexander et al. is how it achieves that goal. The subject invention provides a method by which such a goal may be achieved, i.e., the subject invention provides a metric "indicating a degree of effectiveness in relation to the at least one user based on the scores and the respective correlation factors". There is no disclosure or suggestion in Alexander et al. of providing such a metric.

The subject invention, as claimed in claim 2, provides a specific embodiment for determining the "metric", i.e., "for each of the plurality of commercials, the providing the metric comprises summing, over each of the plurality of programs, a product of the score for each of the plurality of programs and the correlation factor for each of the plurality of commercials relative to each of the plurality of programs". The Examiner uses the same sections noted above in an attempt to show that Alexander et al. teaches this limitation.

However, Applicants submit that there is no disclosure or suggestion in Alexander et al. of determining the metric by summing, over each of a plurality of programs, the product of the program scores and the correlation factors for the commercials, as specifically indicated in claim 2.

In view of the above, Applicants believe that the subject invention, as claimed, is not rendered obvious by the prior art, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-15, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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